

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

EUGENE ALVIN BROXTON,

PETITIONER,

v.

RICK THALER, DIRECTOR, TEXAS
DEPARTMENT OF CRIMINAL JUSTICE,
INSTITUTIONAL DIVISION,

RESPONDENT.

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§ C.A. NO. 11-cv-00315
§ CAPITAL HABEAS PETITION
§ DEATH PENALTY CASE

EXHIBIT 5-CAPITAL HABEAS PETITION
(PART 2)

184

NO. 92-26448

P-3

BCE

THE STATE OF TEXAS

X

IN THE DISTRICT COURT

X

VS.

X

OF HARRIS COUNTY, TEXAS

X

APPROXIMATELY

X

234TH JUDICIAL DISTRICT

\$1,000,000.00 IN UNITED
STATES CURRENCY

ORDER SUSTAINING PLAINTIFF'S SPECIAL EXCEPTIONS

On this day came on to be heard Plaintiff's Special Exceptions to Respondent's First Amended Original Answer and the same are hereby sustained as follows:

First Special Exception . . . (✓) Sustained () Denied

Second Special Exception . . . (✓) Sustained () Denied

The Court hereby finds that it is apparent from the Respondent's First Amended Original Answer that she has negated her interest as owner or interest holder in the subject matter property and therefore her standing as a party to this suit. THEREFORE, it is hereby ORDERED that the special exceptions to Respondent's First Amended Original Answer in the instant cause, filed by Plaintiff are sustained as reflected above. The Respondent is ORDERED to amend her petition and include therein any relevant, material facts which would establish such ownership or interest and thereby her standing to proceed as a party. Said amended Answer must be filed within 30 days of the signing of this order, to avoid striking of Respondent's Answer.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was mailed return receipt requested to claimant's attorney of record, Chris Flood on July 8, 1992.

Brian Johnson

Brian Johnson
Assistant District Attorney
Special Crimes Bureau
Harris County, Texas

92-26448~



CIVIL PROCESS REQUEST

FOR EACH PARTY SERVED YOU MUST FURNISH 1 COPY OF THE PLEADING
FOR WRITS FURNISH 2 COPIES OF THE PLEADING PER PARTY TO BE SERVED

CASE NUMBER: _____ CURRENT COURT: _____
INSTRUMENT TO BE SERVED (see reverse for types): _____

FILE DATE OF MOTION: _____
Month/ Day/ Year

SERVICE TO BE ISSUED ON (please list exactly as the name appears in the pleading to be served):

1. NAME: Carla J. Smith

ADDRESS: 9403 Homestead Houston TX 77016

AGENT (if applicable): _____

TYPE OF SERVICE (see reverse for specific type): _____

SERVICE BY (check one): CONSTABLE ☒ NON-RESIDENT _____ OUT OF COUNTY _____

AUTHORIZED PERSON _____ PHONE NO. _____

PUBLICATION _____ OTHER _____

(See reverse for types) (Specify)

2. NAME: _____

ADDRESS: _____

AGENT (if applicable): _____

TYPE OF SERVICE (see reverse for specific type): _____

SERVICE BY (check one): CONSTABLE _____ NON-RESIDENT _____ OUT OF COUNTY _____

AUTHORIZED PERSON _____ PHONE NO. _____

PUBLICATION _____ OTHER _____

(See reverse for types) (Specify)

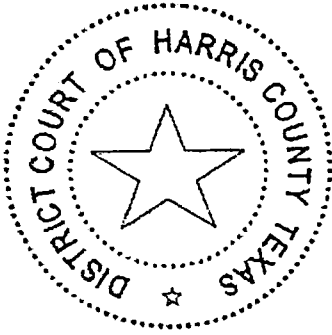
ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:

NAME: JOHN B. HOLMES JR. TEXAS BAR NO./ID NO. 99999997

MAILING ADDRESS: 201 FANNIN, SUITE 200, HOUSTON, TEXAS 77002

AREA CODE: (713) TELEPHONE NO. 755-5840

SERVICE REQUESTS WHICH CAN NOT BE PROCESSED BY THIS OFFICE WILL BE HELD FOR 30 DAYS PRIOR TO CANCELLATION. SERVICE REQUESTS WILL BE REINSTATED UPON APPROPRIATE ACTION BY THE PARTIES AND FEES REFUNDED UPON REQUEST OR AT THE DISPOSITION OF THE CASE.



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office this April 1, 2011

Certified Document Number: 33779700 Total Pages: 1

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

(21)

92-26448

CIVIL PROCESS REQUEST

FOR EACH PARTY SERVED YOU MUST FURNISH 1 COPY OF THE PLEADING
FOR WRITS FURNISH 2 COPIES OF THE PLEADING PER PARTY TO BE SERVED.

CASE NUMBER: _____ CURRENT COURT: _____
INSTRUMENT TO BE SERVED (see reverse for types): _____

FILE DATE OF MOTION: _____
Month/ Day/ Year

SERVICE TO BE ISSUED ON (please list exactly as the name appears in the pleading to be served):

1. NAME: Kobie Kala Mendenhall

ADDRESS: 250 Uvalde Rd. #95, Houston TX 77015

AGENT (if applicable): _____

TYPE OF SERVICE (see reverse for specific type): _____

SERVICE BY (check one): CONSTABLE ☒ NON-RESIDENT _____ OUT OF COUNTY _____

AUTHORIZED PERSON _____ PHONE NO. _____

PUBLICATION _____ OTHER _____

(See reverse for types) (Specify)

2. NAME: Derek Anthony Thomas

ADDRESS: 250 Uvalde Rd. #95 Houston TX

AGENT (if applicable): _____

TYPE OF SERVICE (see reverse for specific type): _____

SERVICE BY (check one): CONSTABLE ☒ NON-RESIDENT _____ OUT OF COUNTY _____

AUTHORIZED PERSON _____ PHONE NO. _____

PUBLICATION _____ OTHER _____

(See reverse for types) (Specify)

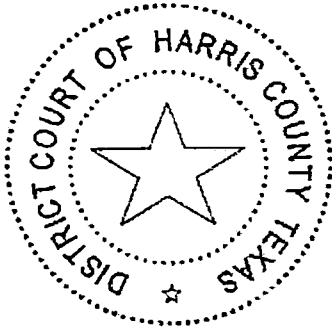
ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:

NAME: JOHN B. HOLMES JR. TEXAS BAR NO./ID NO. 99999997

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I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 1, 2011

Certified Document Number: 33779699 Total Pages: 1

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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NO CHARGE
GOVERNMENT AGENCY

CAUSE NO. 9226448

INVOICE # 925234

FDN

ATY

TR # 60072007

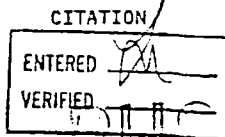
PLAINTIFF: STATE OF TEXAS

VS.

DEFENDANT: \$1,000,000.00 *

In The 234th
Judicial District Court
of Harris County, Texas
1310 Prairie 11th Floor
Houston, TX

* Additional parties are named in the attached petition.

THE STATE OF TEXAS
County Of HarrisTO ANY SHERIFF OR CONSTABLE OF TEXAS
Or Other Authorized PersonTO: SMITH, CARLA J
9603 HOMESTEAD

HOUSTON

TX 77016

RECEIVED
JACK F. ABERGIA
CLERK
HARRIS COUNTY, TEXAS
92 JUN 12 PM 6:05

Attached is a certified copy of a notice of forfeiture proceeding.

This instrument was filed on the 12th day of June, 1992, in the above cited causa number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you and the property may be forfeited.

TO OFFICER SERVING:

This citation was issued on 12th day of June, 1992, under my hand and seal of said Court.

Issued at request of: (Seal)
DISTRICT ATTORNEY
201 FANNIN #200
HOUSTON TX 77002KATHERINE TYRA, District Clerk
Harris County, Texas
301 Fannin Houston, Texas 77002
(P.O. Box 1651, Houston, Texas 77210)

Bar No.: 43993997

By Alexander Garibay
Deputy GARIBAY, ALEXANDER IN/HJ/1333701

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at ___ o'clock ___.M., on the ___ day of ___, 19__.

Executed at (address) _____ in

_____ County at ___ o'clock ___.M., on the ___ day of ___,

19__, by delivering to _____ defendant, in person, a true copy of this Citation together with the accompanying _____ copy(ies) of the

attached thereto and I endorsed on said copy of the Citation the date of delivery.

To certify which I affix my hand officially this ___ day of JACK F. ABERGIA, Constable, 19__.

FEES: \$ _____

Precinct #1, Harris County, Texas

_____ of _____ County, Texas

By _____

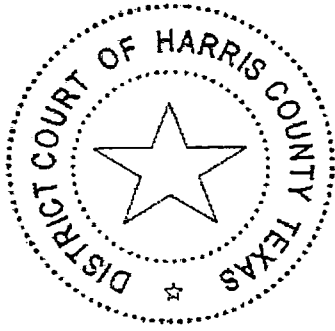
Affiant

Deputy

I, _____, this day, _____, known to me to be the person whose signature appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was executed by him/her in the exact manner recited on the return.

WORN TO AND SUBSCRIBED BEFORE ME, on this ___ day of ___, 19__.

Notary Public



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office this April 1, 2011

Certified Document Number: 33779704 Total Pages: 2

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

NO CHARGE
GOVERNMENT AGENCY

CAUSE NO. 9226448

INVOICE No. 925204

FDN

ATY

TX # 60072395

PLAINTIFF: STATE OF TEXAS

vs.

DEFENDANT: \$1,000,000.00 *

In The 234th
Judicial District Court
of Harris County, Texas
1310 Prairie 11th Floor
Houston, TX

* Additional parties are named in the attached petition.

THE STATE OF TEXAS
County Of Harris

CITATION

ENTERED
VERIFIED

RUSH

TO ANY SHERIFF OR CONSTABLE OF TEXAS
Or Other Authorized PersonTO: MENDENHALL, KOBIE KALA
250 UVALDE RD #95

HOUSTON

TX 77015

Attached is a certified copy of a notice of forfeiture proceeding.

This instrument was filed on the 12th day of June, 1992, in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you and the property may be forfeited.

TO OFFICER SERVING:

This citation was issued on 12th day of June, 1992, under my hand and seal of said Court.

Issued at request of:

(Seal)

DISTRICT ATTORNEY

201 FANNIN #200

HOUSTON

TX 77002

KATHERINE TYRA, District Clerk
Harris County, Texas

301 Fannin Houston, Texas 77002

(P.O. Box 4651, Houston, Texas 77213)

Bar No.: 49593997

By

Deputy GARIBAY, ALEXANDER IN/16/1393701

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at 6:05 o'clock P.M., on the 12 day of June, 1992Executed at (address): 14350 Wallisville Road Sheriff's office annex inHarris County at 7:13 o'clock P.M., on the 12 day of June.1992, by delivering to Kobie Kala Mendenhall defendant, in person, a true copy of this Citation together with the accompanying _____ copy(ies) of thenotice of forfeiture proceeding Petition

attached thereto and I endorsed on said copy of the Citation the date of delivery.

To certify which I affix my hand officially this 12 day of June, 1992.FEE: \$ 45.00

Precinct #1, Harris County, Texas

_____ of _____ County, Texas

By

J. Craig

Deputy

1W21

Affiant

this day, _____, known to me to be the person whose signature appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, on this _____ day of _____, 19____.

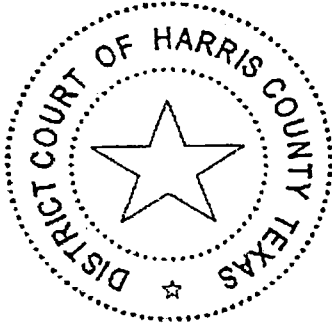
KATHERINE TYRA
DISTRICT CLERK
HARRIS COUNTY, TEXAS

Notary Public

1992 JUN 17 AM 9:59

Deputy
DEPUTY

Certified Document Number: 3377700



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 1, 2011

Certified Document Number: 33779703 Total Pages: 1

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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NO. 92-26448

THE STATE OF TEXAS	X	IN THE DISTRICT COURT
	X	
VS.	X	OF HARRIS COUNTY, TEXAS
	X	
APPROXIMATELY	X	234TH JUDICIAL DISTRICT
\$1,000,000.00 IN UNITED		
STATES CURRENCY		

PLAINTIFF'S SPECIAL EXCEPTIONS TO RESPONDENT'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the State of Texas, plaintiff in the above numbered and entitled cause, by and through the undersigned Assistant District Attorney for Harris County, Texas, and presents her special exceptions to Respondent's Original Answer.

I. Introduction

This is a forfeiture action brought under and by virtue of Chapter 59 of the Code of Criminal Procedure. On June 12, 1992, members of the Harris County Sheriff's Office responded to a dispatch to investigate a possible shooting and subsequently seized approximately \$1,000,000.00 in United States currency from an apartment located at 250 Uvalde #95, Harris County, Texas, said currency being the subject matter of this suit. At the time of the officers arrival at that location the apartment was occupied by Kobie Kala Mendenhall, and later Derrick Anthony Thomas arrived there in an automobile while the officers were still present and investigating. Both Mendenhall and Thomas were served as Co-Respondents but to this date have not filed Answers to this suit. Also served as a Co-Respondent was Carla J. Smith, whose name was purportedly on the lease of 250 Uvalde #95, Harris County, Texas,

FILE
CATHERINE YRA
DISTRICT CLERK
HARRIS COUNTY
TEXAS
9 JUL -8 3:17
DEPUTY

and who has filed an Answer to this suit. Plaintiff is unable to determine from that Answer under what fact basis Respondent Smith establishes standing to claim return of the currency to her, or why her Answer does not on its face show facts which negate its application.

II. Special Exceptions

1. Plaintiff specially excepts to Respondent's Answer paragraph 1 in which Respondent "...denies all and singular, each and every allegation made by Plaintiff and relied upon it as the basis of its alleged cause of action...". Plaintiff's Original Notice of Seizure and Intended Forfeiture petition includes in its Paragraph III the allegation that Carla J. Smith is an "owner and possessor" of the subject matter currency. Chapter 59 of the Code of Criminal Procedure, Art. 59.04(i), requires the State to notify and serve as parties any persons believed to be owners or interest holders. On its face, Respondent Smith's Answer denies ownership of the subject matter currency and therefore negates any further claim she may make on this property. Based upon the allegations in this Answer, Respondent Smith lacks standing to proceed as a party. Under Art. 59.04(k) and (l) the State shall proceed against property of which the owner is unknown, and follow notice requirements set out in the Texas Rules of Civil Procedure, and proceed to hearing only when the presiding judge is satisfied that these requirements are met. By Respondent Smith negating her standing to claim interest in the property, the State is unable to determine under which paragraph of Art. 59.04 to proceed under, and asks this Court to order Respondent Smith to amend her Answer to

allege facts showing she is an owner or interest holder as defined in Art. 59.01(3) and (5).

2. Plaintiff specially excepts to Respondent Smith's Answer in that it uses interchangeably the words "defendant", "respondent" and "claimant" to the point that Plaintiff is unable to determine who is seeking what relief in answering this suit. Plaintiff asks the Court to order Respondent Smith to refer to her and her interest as "Respondent" and the subject matter currency as "Defendant" and to cease or explain the use of the word "claimant".

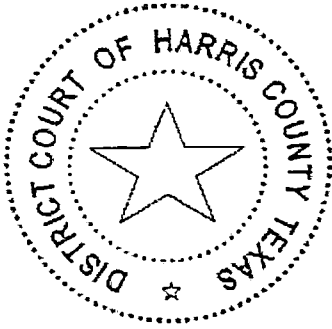
Respondent, having negated any ownership or interest in the subject matter currency, the foregoing Special Exceptions should be sustained, Respondent should be ordered to amend her Answer if she desires to continue as a party, and be ordered to allege all facts and legal bases which would establish her standing as an owner or interest holder; and the instant Answer should thereafter be struck, after Respondent has been allowed a reasonable opportunity to amend.

WHEREFORE, PREMISES CONSIDERED, the State of Texas asks the Court to sustain Plaintiff's special exceptions.

Respectfully submitted,



Brian Johnson
Assistant District Attorney
Special Crimes Bureau
Harris County, Texas
201 Fannin Street, Suite 200
Houston, Texas 77002
(713) 755-5840
Office Bar No. 99999997
Attorney Bar No. 10685600



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 1, 2011

Certified Document Number: 33779690 Total Pages: 3

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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(P4)

NO. 92-26448

STATE OF TEXAS

V.

APPROXIMATELY

\$1,000,000.00 IN

UNITED STATES CURRENCY

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

234TH JUDICIAL DISTRICT

DEPUTY
30 JUL 17 2011
HARRIS COUNTY
1992 JUL 17 11 10C 2661

RESPONSE TO PLAINTIFF'S SPECIAL EXCEPTIONS
TO RESPONDENT'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW CARLA J. SMITH, Defendant herein, by and through her attorney, Chris Flood, and, in response to Plaintiff's Special Exceptions to Respondent's Original Answers, requests that Plaintiff's Special Exceptions be denied, saying more particularly in support hereof as follows:

1. Plaintiff, pursuant to Art. 59.02, Tex. Code Crim. Pro., filed Plaintiff's Original Notice of Seizure and Intended Forfeiture, alleging that the Respondent \$1,000,000.00 constitutes contraband as defined under Art. 59.01, Tex. Code Crim. Proc. This Court, by virtue of Art. 5, §8 of the Texas Constitution, and Art. 59.04 has jurisdiction to determine whether the Respondent Property constitutes contraband. Contraband, as defined by Art. 59.01, is:

"(2) 'Contraband' means property of any nature, including real, personal, tangible, or intangible, that is:

(A) used in the commission of:

- (i) any first or second degree felony under the Penal Code;
- (ii) any felony under Chapters 29, 30, 31, or 32, Penal Code; or

- (iii) any felony under The Securities Act (Article 581-1 et sequ., Vernon's Texas Civil Statutes);
- (B) used or intended to be used in the commission of:
 - (i) any felony under Chapter 481, Health and Safety Code (Texas Controlled Substances Act);
 - (ii) any felony under Chapter 483, Health and Safety Code; or
 - (iii) a felony under Article 350, Revised Statutes;
- (C) the proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision; or
- (D) acquired with proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision."

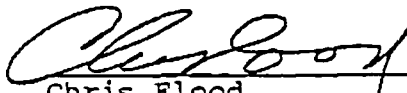
2. Defendant filed her general denial on June 25, 1992. A general denial places in issue all allegations which are necessary to sustain Plaintiff's cause of action. See Vance v. My Apartment Steak House, 677 S.W.2d 480 (Tex. 1984); Shell Chemical Co. v. Lamb, 493 S.W.2d 742 (Tex. 1973); Boswell v. Handley, 397 S.W.2d 213 (Tex. 1966); Novak v. DeWied, 574 S.W.2d 204 (Tex. Civ. App. - San Antonio 1978, writ ref'd., n.r.e.); McFadden v. Breslar Malls, Inc., 526 S.W.2d 258 (Tex. Civ. App. - Austin 1975, judgment modified and affirmed pursuant to remittitur, 548 S.W.2d 789 (Tex. Civ. App. - Austin 1977, no writ)); State v. Margolis, 439 S.W.2d 695 (Tex. Civ. App. - Austin 1969, writ ref'd., n.r.e.); America Nat. Ins. Co. v. Ferguson, 209 S.W.2d 797 (Tex. Civ. App. - Eastland 1948, writ ref'd, n.r.e.). Therefore,

Defendant's general denial placed in issue whether or not the Respondent property constitutes contraband, as defined, and thus forfeitable. This Court must first decide whether the Respondent Property is forfeitable and, if not, return the subject property to any individual, other than the State, showing a superior interest. The State, through its Special Exceptions, is attempting to force Defendant to prove her interest, if any, before proving that the Respondent Property is subject to forfeiture.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully requests that this Court deny Plaintiff's Special Exceptions to Respondent's Original Answer, order that First Amended Original Answer of Carla J. Smith places into issue all allegations made by Plaintiff.

Respectfully submitted,

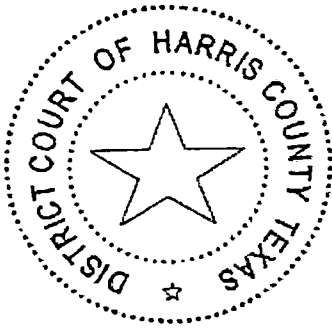
DeGUERIN & DICKSON


Chris Flood
1018 Preston, 7th Floor
Houston, Texas 77002
(713) 223-5959
State Bar No. 07155700

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing has been served on Brian Johnson, Assistant District Attorney, by mailing same to 201 Fannin, Houston, Texas on the 16th day of July, 1992.


Chris Flood



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 1, 2011

Certified Document Number: 33779694 Total Pages: 4

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

PS

NO. 92-26448

DEPUTY
BY
1992 JUL 17 AM 10:08
HARRIS COUNTY TEXAS
FILED

STATE OF TEXAS

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IN THE DISTRICT COURT

V.

HARRIS COUNTY, TEXAS

APPROXIMATELY

\$1,000,000.00 IN

UNITED STATES CURRENCY

234TH JUDICIAL DISTRICT

RESPONSE TO PLAINTIFF'S SPECIAL EXCEPTIONS
TO RESPONDENT'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW CARLA J. SMITH, Defendant herein, by and through her attorney, Chris Flood, and, in response to Plaintiff's Special Exceptions to Respondent's Original Answers, requests that Plaintiff's Special Exceptions be denied, saying more particularly in support hereof as follows:

1. Plaintiff, pursuant to Art. 59.02, Tex. Code Crim. Pro., filed Plaintiff's Original Notice of Seizure and Intended Forfeiture, alleging that the Respondent \$1,000,000.00 constitutes contraband as defined under Art. 59.01, Tex. Code Crim. Proc. This Court, by virtue of Art. 5, §8 of the Texas Constitution, and Art. 59.04 has jurisdiction to determine whether the Respondent Property constitutes contraband. Contraband, as defined by Art. 59.01, is:

"(2) 'Contraband' means property of any nature, including real, personal, tangible, or intangible, that is:

(A) used in the commission of:

- (i) any first or second degree felony under the Penal Code;
- (ii) any felony under Chapters 29, 30, 31, or 32, Penal Code; or

ENTERED	<i>[Signature]</i>
VERIFIED	<i>[Signature]</i>

DEPUTY

NO. 92-26448

80:01:17 21 JUL 2011

STATE OF TEXAS

V.

APPROXIMATELY
\$1,000,000.00 IN
UNITED STATES CURRENCY

IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS

234TH JUDICIAL DISTRICT

RESPONSE TO PLAINTIFF'S SPECIAL EXCEPTIONS
TO RESPONDENT'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW CARLA J. SMITH, Defendant herein, by and through her attorney, Chris Flood, and, in response to Plaintiff's Special Exceptions to Respondent's Original Answers, requests that Plaintiff's Special Exceptions be denied, saying more particularly in support hereof as follows:

1. Plaintiff, pursuant to Art. 59.02, Tex. Code Crim. Pro., filed Plaintiff's Original Notice of Seizure and Intended Forfeiture, alleging that the Respondent \$1,000,000.00 constitutes contraband as defined under Art. 59.01, Tex. Code Crim. Proc. This Court, by virtue of Art. 5, §8 of the Texas Constitution, and Art. 59.04 has jurisdiction to determine whether the Respondent Property constitutes contraband. Contraband, as defined by Art. 59.01, is:

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- (ii) any felony under Chapters 29, 30, 31, or 32, Penal Code; or

- (iii) any felony under The Securities Act (Article 581-1 et sequ., Vernon's Texas Civil Statutes);
- (B) used or intended to be used in the commission of:
 - (i) any felony under Chapter 481, Health and Safety Code (Texas Controlled Substances Act);
 - (ii) any felony under Chapter 483, Health and Safety Code; or
 - (iii) a felony under Article 350, Revised Statutes;
- (C) the proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision; or
- (D) acquired with proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision."

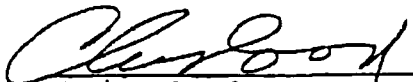
2. Defendant filed her general denial on June 25, 1992. A general denial places in issue all allegations which are necessary to sustain Plaintiff's cause of action. See Vance v. My Apartment Steak House, 677 S.W.2d 480 (Tex. 1984); Shell Chemical Co. v. Lamb, 493 S.W.2d 742 (Tex. 1973); Boswell v. Handley, 397 S.W.2d 213 (Tex. 1966); Novak v. Dewied, 574 S.W.2d 204 (Tex. Civ. App. - San Antonio 1978, writ ref'd., n.r.e.); McFadden v. Breslar Malls, Inc., 526 S.W.2d 258 (Tex. Civ. App. - Austin 1975, judgment modified and affirmed pursuant to remittitur, 548 S.W.2d 789 (Tex. Civ. App. - Austin 1977, no writ)); State v. Margolis, 439 S.W.2d 695 (Tex. Civ. App. - Austin 1969, writ ref'd., n.r.e.); America Nat. Ins. Co. v. Ferguson, 209 S.W.2d 797 (Tex. Civ. App. - Eastland 1948, writ ref'd, n.r.e.). Therefore,

Defendant's general denial placed in issue whether or not the Respondent property constitutes contraband, as defined, and thus forfeitable. This Court must first decide whether the Respondent Property is forfeitable and, if not, return the subject property to any individual, other than the State, showing a superior interest. The State, through its Special Exceptions, is attempting to force Defendant to prove her interest, if any, before proving that the Respondent Property is subject to forfeiture.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully requests that this Court deny Plaintiff's Special Exceptions to Respondent's Original Answer, order that First Amended Original Answer of Carla J. Smith places into issue all allegations made by Plaintiff.

Respectfully submitted,


DeGUERIN & DICKSON

A handwritten signature in cursive script, appearing to read "Chris Flood", is written over a horizontal line.

Chris Flood
1018 Preston, 7th Floor
Houston, Texas 77002
(713) 223-5959
State Bar No. 07155700

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing has been served on Brian Johnson, Assistant District Attorney, by mailing same to 201 Fannin, Houston, Texas on the 16th day of July, 1992.


Chris Flood

NO. 92-26448

STATE OF TEXAS	*	IN THE DISTRICT COURT OF
	*	
V.	*	
	*	HARRIS COUNTY, T E X A S
	*	
APPROXIMATELY	*	
\$1,000,000.00 IN	*	
UNITED STATES CURRENCY	*	234TH JUDICIAL DISTRICT

O R D E R

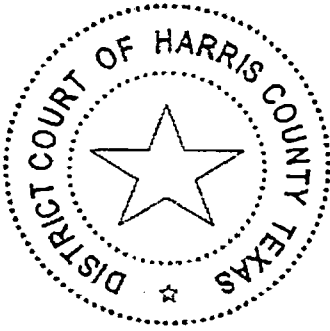
UPON PRESENTATION OF Response to Plaintiff's Special Exceptions, it is hereby ---

ORDERED that Plaintiff's Special Exceptions to Respondent's Original Answer is hereby DENIED. It is further --

ORDERED that Defendant's First Amended Original Answer of Carla J. Smith places into issue all allegations made by Plaintiff.

SIGNED in Harris County, Texas on the ____ day of _____, 1992.

JUDGE PRESIDING



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 1, 2011

Certified Document Number: 33779692 Total Pages: 5

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

24

NO. 92-26448

STATE OF TEXAS

V.

APPROXIMATELY
\$1,000,000.00 IN
UNITED STATES CURRENCY

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IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
FILED
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234TH JUDICIAL DISTRICT

FIRST AMENDED ORIGINAL ANSWER OF
CARLA J. SMITH

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW CARLA J. SMITH, Defendant herein, by and through her attorney, Chris Flood, and, in answer to the Original Notice of Seizure and Intended Forfeiture against the same, says more particularly as follows:

1. Defendant denies all and singular, each and every allegation made by Plaintiff and relied upon by it as the basis of its alleged cause of action and demands strict proof thereof.

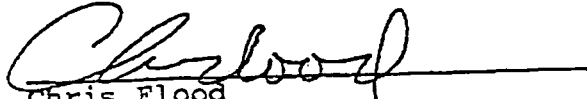
2. Defendant further says that the Respondent \$1,000,000.00 in United States Currency is not subject to forfeiture because it was illegally seized on June 12, 1992, and Plaintiff continues to unlawfully withhold possession of the \$1,000,000.00 in U.S. Currency.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that the Court will in all things deny the State's Motion for Forfeiture as prayed for and that Defendant will have judgment over and against Plaintiff in and to the Respondent \$1,000,000.00 in U.S. Currency;

and that he have all of the relief at law and in equity to which he may show himself justly entitled.

Respectfully submitted,

DeGUERIN & DICKSON

A handwritten signature in cursive script, appearing to read "Chris Flood", with a long horizontal line extending to the right.

Chris Flood
Attorney for Claimant
1018 Preston, 7th Floor
Houston, Texas 77002
(713) 223-5959
State Bar No. 07155700

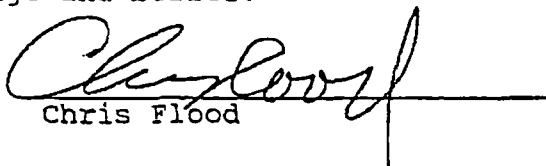
A F F I D A V I T

STATE OF TEXAS *

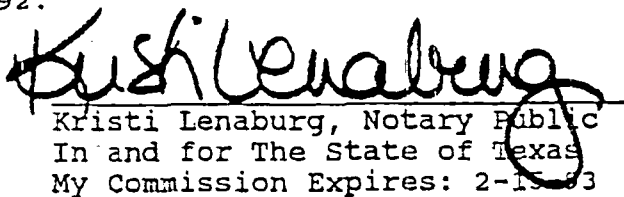
COUNTY OF HARRIS *

BEFORE ME, the undersigned authority, on this day personally appeared Chris Flood who, after being duly sworn by me, deposed and said:

"My name is Chris Flood. I am the attorney for Defendant Carla J. Smith and have been duly authorized by her to file this Amended Original Answer and Claim to which this affidavit is attached. All statements contained therein are true and correct to the best of my knowledge and belief."

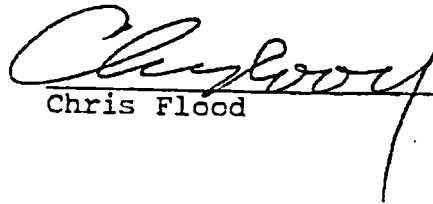

Chris Flood

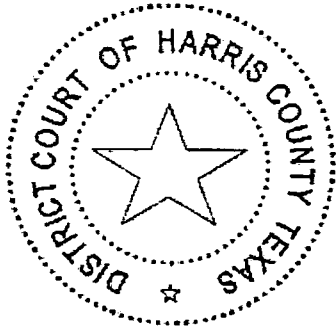
SUBSCRIBED AND SWORN to before me, the undersigned authority, on the 16th day of July, 1992.


Kristi Lenaburg, Notary Public
In and for The State of Texas
My Commission Expires: 2-15-93

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing has been served on Brian Johnson, Assistant District Attorney, by mailing same to 201 Fannin, Houston, Texas on the 16th day of July, 1992.


Chris Flood



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 1, 2011

Certified Document Number: 33779697 Total Pages: 4

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

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NO. 92-26448

THE STATE OF TEXAS	X	IN THE DISTRICT COURT
	X	
VS.	X	OF HARRIS COUNTY, TEXAS
	X	
APPROXIMATELY	X	234TH JUDICIAL DISTRICT
\$1,000,000.00 IN UNITED		
STATES CURRENCY		

ORDER SUSTAINING PLAINTIFF'S SPECIAL EXCEPTIONS

On this day came on to be heard Plaintiff's Special Exceptions to Respondent's First Amended Original Answer and the same are hereby sustained as follows:

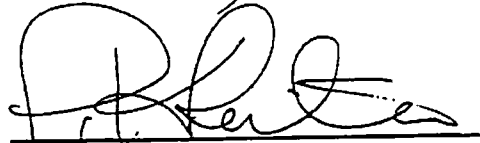
First Special Exception . . . (✓) Sustained () Denied

Second Special Exception . . . (✓) Sustained () Denied

The Court hereby finds that it is apparent from the Respondent's First Amended Original Answer that she has negated her interest as owner or interest holder in the subject matter property and therefore her standing as a party to this suit. THEREFORE, it is hereby ORDERED that the special exceptions to Respondent's First Amended Original Answer in the instant cause, filed by Plaintiff are sustained as reflected above. The Respondent is ORDERED to amend her petition and include therein any relevant, material facts which would establish such ownership or interest and thereby her standing to proceed as a party. Said amended Answer must be filed within 30 days of the signing of this order, to avoid striking of Respondent's Answer.

The Clerk is ORDERED to mail copies of this order to
counsel for Respondent and for Plaintiff. *Set for trial*
August 24, 1992,

SIGNED this the 20th day of July, 1992.



JUDGE PRESIDING
234TH DISTRICT COURT

FILED
KATHERINE TYRA
DISTRICT CLERK
HARRIS COUNTY TEXAS

02 JUL -09 PM 3:17

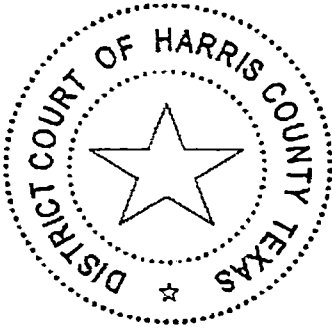
BY *B. Litch*
Brj DEPUTY

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was mailed return receipt requested to claimant's attorney of record, Chris Flood on July 8, 1992.

Brian Johnson

Brian Johnson
Assistant District Attorney
Special Crimes Bureau
Harris County, Texas



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 1, 2011

Certified Document Number: 33779689 Total Pages: 4

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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SEIZURE AND FOREITURE COURT

301 SAN JACINTO, ROOM 829
HOUSTON, TEXAS 77002
TELEPHONE (713) 755-6730

(PI)

JUNE 30, 1992

TO : FLOOD, CHRISTOPHER M.
1018 PRESTON 7TH FL
HOUSTON , TX 77002

07155700

DOCKET CONTROL ORDER

1. N/A NEW PARTIES shall be joined and served by this date. The party causing such joinder will provide copies of this order to the new parties.
2. N/A EXPERTS for all plaintiffs shall be designated by this date. Experts for all other parties shall be designated 30 days after this date. No additional experts will be permitted to testify except for good cause shown.
3. 8/14/92 DISCOVERY shall be completed by this date. Counsel may by agreement continue discovery beyond this deadline; such continued discovery, however will not delay the trial date
4. N/A AMENDMENTS to pleadings shall be filed by this date.
5. N/A JOINT PRE-TRIAL ORDER shall be filed by this date in the form enclosed with the notice of this order.
6. 9/14/92 PRE-TRIAL CONFERENCE will be held. Trial counsel are
9:00 am ordered to attend and be prepared to discuss all aspects of the suit and trial.
7. 9/14/92 TRIAL IS SET FOR THIS DATE. If the case is not assigned to trial by the second Friday after this date, the trial date will be reset.

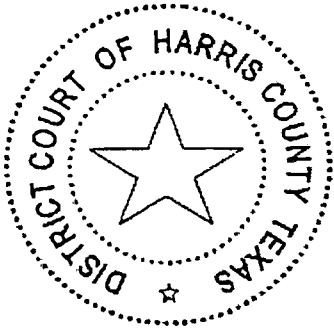
NOTE: If no date is shown, time limits are governed by the applicable Texas Rules of Civil Procedure.

SIGNED THIS THE 20th DAY OF July 1992.

SEIZURE & FORFEITURE COURT

[Signature]

CASE - 9226448 FILED - 061292 COURT - 777
TYPE - SEIZURE & FORFEITURE
STATE OF TEXAS VS \$1,000,000.00



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 1, 2011

Certified Document Number: 33779661 Total Pages: 1

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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SEIZURE AND FOREITURE COURT

301 SAN JACINTO, ROOM 829
HOUSTON, TEXAS 77002
TELEPHONE (713) 755-6730

PD

JUNE 30, 1992

TO : DISTRICT ATTORNEY
201 FANNIN #200
HOUSTON , TX 77002

49999997

DOCKET CONTROL ORDER

1. N/A NEW PARTIES shall be joined and served by this date. The party causing such joinder will provide copies of this order to the new parties.
2. N/A EXPERTS for all plaintiffs shall be designated by this date. Experts for all other parties shall be designated 30 days after this date. No additional experts will be permitted to testify except for good cause shown.
3. 6/14/92 DISCOVERY shall be completed by this date. Counsel may by agreement continue discovery beyond this deadline; such continued discovery, however will not delay the trial date
4. N/A AMENDMENTS to pleadings shall be filed by this date.
5. N/A JOINT PRE-TRIAL ORDER shall be filed by this date in the form enclosed with the notice of this order.
6. 9/14/92 PRE-TRIAL CONFERENCE will be held. Trial counsel are
9:00 am ordered to attend and be prepared to discuss all aspects of the suit and trial.
7. 9/14/92 TRIAL IS SET FOR THIS DATE. If the case is not assigned to trial by the second Friday after this date, the trial date will be reset.

NOTE: If no date is shown, time limits are governed by the applicable Texas Rules of Civil Procedure.

SIGNED THIS THE 20th DAY OF July 1992.

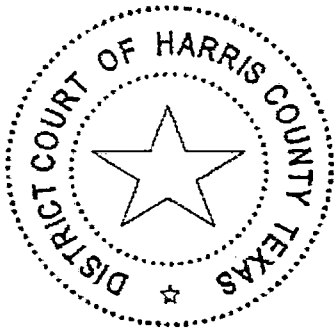
SEIZURE & FORFEITURE COURT

[Signature]

CASE - 9226448 FILED - 061292
TYPE - SEIZURE & FORFEITURE
STATE OF TEXAS

COURT - 777

VS \$1,000,000.00



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 1, 2011

Certified Document Number: 33779660 Total Pages: 1

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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92-26448

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THE STATE OF TEXAS

VS.

APPROXIMATELY
\$1,000,000.00 IN UNITED
STATES CURRENCY

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

234TH JUDICIAL DISTRICT

FILED
KATHERINE YRA
DISTRICT CLERK
HARRIS COUNTY TEXAS
92 JUN 25 3:33
DEPUTY

ORIGINAL ANSWER OF DEFENDANT CARLA J. SMITH

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW CARLA J. SMITH, Defendant herein, by and through her attorney of record, Chris Flood, and in answer to the Original Notice of Seizure and Intended Forfeiture against the same says more particularly as follows:

1. Defendant denies all and singular, each and every allegation made by Plaintiff and relied upon by it as the basis of its alleged cause of action and demands strict proof thereof.

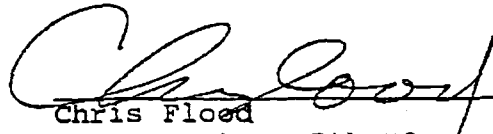
2. Defendant further says that the Respondent \$1,000,000.00 in United States Currency is not subject to forfeiture because it was illegally seized on June 12, 1992 and Plaintiff continues to unlawfully withhold possession of the \$1,000,000.00 in U.S. Currency.

WHEREFORE, PREMISES CONSIDERED, Claimant prays that the Court will in all things deny the State's Motion for Forfeiture as prayed for and that Defendant will have judgment over and against Plaintiff in and to the Respondent \$1,000,000.00 in U.S. Currency;

and that he have all of the relief at law and in equity to which he may show himself justly entitled.

Respectfully submitted,

DeGUERIN & DICKSON


Chris Flood
1018 Preston, 7th Floor
Houston, Texas 77002
(713) 223-5959
State Bar No. 07155700
Attorney for Claimant

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing Original Answer of Defendant Carla J. Smith has been forwarded to Mr. Brian Johnson, Assistant District Attorney, by mailing a copy to 201 Fannin Street, Suite 200, Houston, Texas 77002 on this 25th day of June, 1992.


Chris Flood

AFFIDAVIT

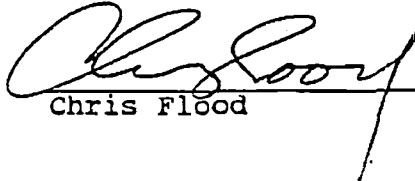
THE STATE OF TEXAS

COUNTY OF HARRIS

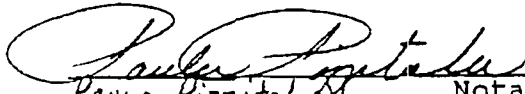
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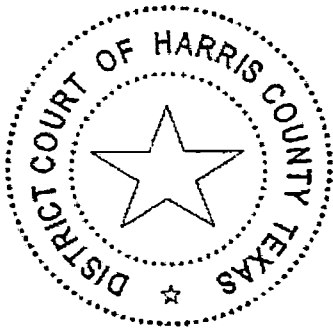
BEFORE ME, the undersigned authority, on this day personally appeared Chris Flood, who, after being by me first duly sworn, on her oath deposed and said:

"My name is Chris Flood. I am the attorney for the Defendant, CARLA J. SMITH and have been authorized to file the Original Answer to which this Affidavit is attached. All statements contained in said Original Answer are true and correct."


Chris Flood

SUBSCRIBED AND SWORN TO BEFORE ME on this the 25TH day of June, 1992.


Paula Pizzitola, Notary Public
In and for The State of Texas
My commission expires _____



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 1, 2011

Certified Document Number: 33779698 Total Pages: 3

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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NO. 92-26448

THE STATE OF TEXAS

V.

APPROXIMATELY
\$1,000,000.00 IN UNITED
STATES CURRENCY

X IN THE DISTRICT COURT
X
X OF HARRIS COUNTY, TEXAS
X
X 234TH JUDICIAL DISTRICT

ORDER SUSTAINING PLAINTIFF'S SPECIAL EXCEPTIONS

On July 22, 1992 came on to be heard Plaintiff's Special Exceptions to Respondent's First Amended Original Answer and the same are hereby sustained as follows: Plaintiff's First Special Exception is Sustained and Plaintiff's Second Special Exception is Denied.


The Court hereby finds that it is apparent from the Respondent's First Amended Original Answer that she has negated her interest as owner or interest holder in the subject matter property and therefore her standing as a party to this suit. THEREFORE, it is hereby ORDERED that the special exceptions to Respondent's First Amended Original Answer in the instant cause, filed by Plaintiff are sustained as reflected above. The Respondent is ORDERED to amend her petition and include therein any relevant, material facts which would establish such ownership or interest and thereby her standing to proceed as a party. Said amended Answer must be filed within by August 24, 1992, to avoid striking of Respondent's Answer.

The Court further ~~ORDERED~~ ^{sets} this cause ~~over~~ for trial on the merits on November 16, 1992.

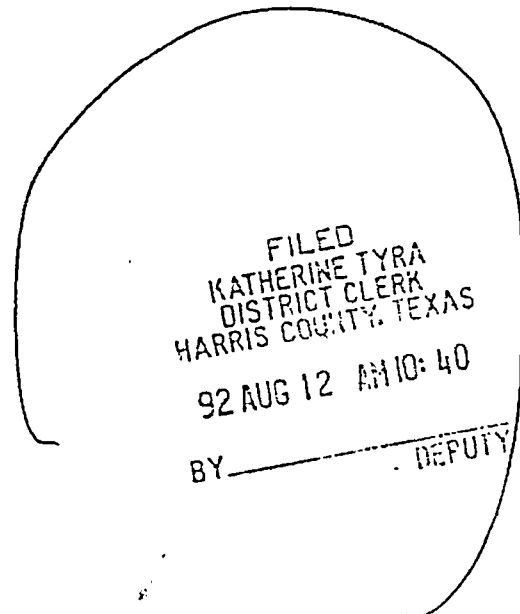
RECORDER'S MEMORANDUM:
This instrument is of poor quality
and not satisfactory for photographic
recording; and/or alterations were
present at the time of filming

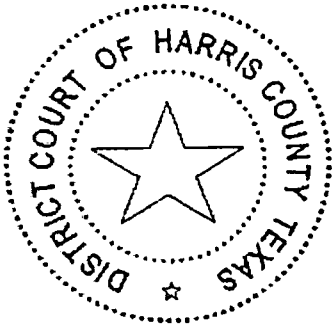
The Clerk ~~is ordered to~~ ^{shall} mail copies of this order to counsel for Respondent and for Plaintiff.

SIGNED this the 24th day of August, 1992.


JUDGE PRESIDING
234TH DISTRICT COURT

RECORDER'S MEMORANDUM:
This instrument is of poor quality
and not satisfactory for photographic
recording; and/or alterations were
present at the time of filming





I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 1, 2011

Certified Document Number: 33779688 Total Pages: 3

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

Handwritten initials "Mucy" in the top left corner.

Handwritten circled "M" in the top left area.

Stamp: ENTERED [initials] VERIFIED [initials]

Handwritten "995" in the top right corner.

92-26448

THE STATE OF TEXAS
VS.
APPROXIMATELY
\$1,000,000.00 IN UNITED
STATES CURRENCY

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IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
234TH JUDICIAL DISTRICT

FILED
KATHERINE VRA
DISTRICT CLERK
HARRIS COUNTY, TEXAS
92 SEP 11 2:10 PM
BY [signature] DEPUTY

Handwritten signature "CM" on the right margin.

SECOND AMENDED ORIGINAL ANSWER OF
CLAIMANT CARLA J. SMITH

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW CARLA J. SMITH, equitable owner herein of the Respondent property, by and through her attorney, Chris Flood, and in answer to the Original Notice of Seizure and Intended Forfeiture against the approximately \$1,000,000.00 in United States Currency referenced above says more particularly as follows:

1. CARLA J. SMITH, owner of the Respondent property as defined by Art. 59.01(5) Tex.C.Crim.Proc., and a necessary party to this proceeding by virtue of her having a possessory interest in the place where the Respondent property was seized, pursuant to Art. 59.04(j) Tex.C.Crim.Proc., denies the allegations contained in paragraphs IV and VI of Plaintiff's Original Notice of Seizure and Intended Forfeiture, and demand strict proof thereof.

2. Owner further says that the Respondent \$1,000,000.00 in United States currency is not subject to forfeiture because it was illegally seized on June 12, 1992 and Plaintiff continues to unlawfully withhold possession of the \$1,000,000.00 in U.S. currency.

WHEREFORE, PREMISES CONSIDERED, CARLA J. SMITH prays that the Court will in all things deny the State's Original Notice of Seizure and Intended Forfeiture as prayed for, and that she will have judgment over and against Plaintiff in and to the Respondent \$1,000,000.00 in U.S. currency and that she shall have all of the relief at law and in equity to which she may show herself justly entitled.

Respectfully submitted,

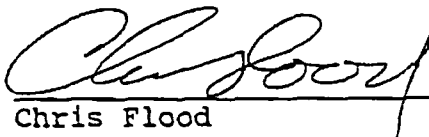
DeGUERIN & DICKSON



Chris Flood
1018 Preston, 7th Floor
Houston, Texas 77002
(713) 223-5959
State Bar No. 07155700
Attorney for Claimant

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing Second Amended Original Answer of Claimant Carla J. Smith has been forwarded to Mr. Brian Johnson, Assistant District Attorney, by hand delivering a copy to 201 Fannin Street, Suite 200, Houston, Texas 77002 on this 11th day of September, 1992.


Chris Flood

AFFIDAVIT

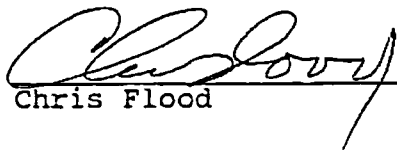
THE STATE OF TEXAS

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COUNTY OF HARRIS

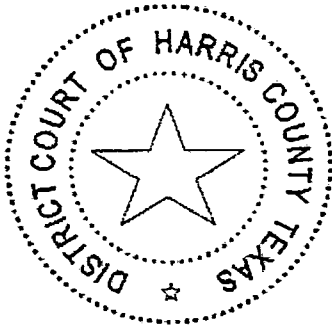
BEFORE ME, the undersigned authority, on this day personally appeared Chris Flood, who, after being by me first duly sworn, on her oath deposed and said:

"My name is Chris Flood. I am the attorney for the Claimant, CARLA J. SMITH and have been authorized by her to file this Seconded Amended Original Answer to which this Affidavit is attached. All statements contained therein are true and correct to the best of my knowledge and belief."


Chris Flood

SUBSCRIBED AND SWORN TO BEFORE ME on this the 11th day of September, 1992.


_____, Notary Public
In and for The State of Texas
My commission expires _____



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 1, 2011

Certified Document Number: 33779687 Total Pages: 3

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

SEIZURE AND FORFEITURE COURT

301 SAN JACINTO, ROOM 829
HOUSTON, TEXAS 77002
TELEPHONE (713) 755-6730

PI

SEPTEMBER 8, 1992

TO : DISTRICT ATTORNEY
201 FANNIN #200
HOUSTON , TX 77002

49999997

DOCKET CONTROL ORDER

1. N/A NEW PARTIES shall be joined and served by this date. The party causing such joinder will provide copies of this order to the new parties.
2. N/A EXPERTS for all plaintiffs shall be designated by this date. Experts for all other parties shall be designated 30 days after this date. No additional experts will be permitted to testify except for good cause shown.
3. 10/16/92 DISCOVERY shall be completed by this date. Counsel may by agreement continue discovery beyond this deadline; such continued discovery, however will not delay the trial date
4. N/A AMENDMENTS to pleadings shall be filed by this date.
5. N/A JOINT PRE-TRIAL ORDER shall be filed by this date in the form enclosed with the notice of this order.
6. 11/16/92 PRE-TRIAL CONFERENCE will be held. Trial counsel are
9:00 am ordered to attend and be prepared to discuss all aspects of the suit and trial.
7. 11/16/92 TRIAL IS SET FOR THIS DATE. If the case is not assigned to trial by the second Friday after this date, the trial date will be reset.

NOTE: If no date is shown, time limits are governed by the applicable Texas Rules of Civil Procedure.

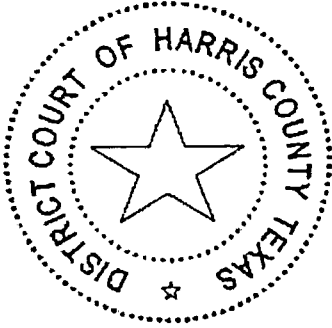
SIGNED THIS THE 14th DAY OF September 1992.

SEIZURE & FORFEITURE COURT

[Signature]

CASE - 9226448 FILED - 061292
TYPE - SEIZURE & FORFEITURE
STATE OF TEXAS

COURT - 777
VS \$1,000,000.00



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 1, 2011

Certified Document Number: 33779659 Total Pages: 1

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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SEIZURE AND FORFEITURE COURT

301 SAN JACINTO, ROOM 829

HOUSTON, TEXAS 77002

TELEPHONE (713) 755-6730

SEPTEMBER 8, 1992

TO : FLOOD, CHRISTOPHER M.
1018 PRESTON 7TH FL
HOUSTON , TX 77002

07155700

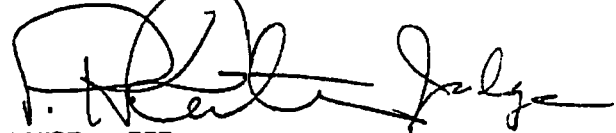
DOCKET CONTROL ORDER

1. N/A NEW PARTIES shall be joined and served by this date. The party causing such joinder will provide copies of this order to the new parties.
2. N/A EXPERTS for all plaintiffs shall be designated by this date. Experts for all other parties shall be designated 30 days after this date. No additional experts will be permitted to testify except for good cause shown.
3. 10/16/92 DISCOVERY shall be completed by this date. Counsel may by agreement continue discovery beyond this deadline; such continued discovery, however will not delay the trial date
4. N/A AMENDMENTS to pleadings shall be filed by this date.
5. N/A JOINT PRE-TRIAL ORDER shall be filed by this date in the form enclosed with the notice of this order.
6. 11/16/92 PRE-TRIAL CONFERENCE will be held. Trial counsel are
9:00 am ordered to attend and be prepared to discuss all aspects of the suit and trial.
7. 11/16/92 TRIAL IS SET FOR THIS DATE. If the case is not assigned to trial by the second Friday after this date, the trial date will be reset.

NOTE: If no date is shown, time limits are governed by the applicable Texas Rules of Civil Procedure.

SIGNED THIS THE 14th DAY OF September 1992.

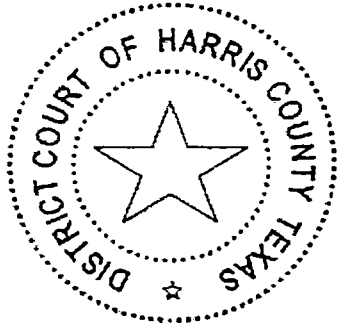
SEIZURE & FORFEITURE COURT



CASE - 9226448 FILED - 061292
TYPE - SEIZURE & FORFEITURE
STATE OF TEXAS

COURT - 777

VS \$1,000,000.00



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 1, 2011

Certified Document Number: 33779658 Total Pages: 1

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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12 - P-1 PPOX @ 65

NO. 92-26448

THE STATE OF TEXAS

V.

APPROXIMATELY
\$1,000,000.00 IN UNITED
STATES CURRENCY

§ IN THE DISTRICT COURT
§
§ OF HARRIS COUNTY, TEXAS
§
§ 234TH JUDICIAL DISTRICT

ORDER

On this the 13th day of October, 1992, came on to be heard Plaintiff's Motion to correct the caption of the above action. It appears to the court that Motion is well taken and should be granted.

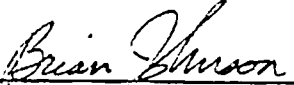
IT IS THEREFORE ORDERED, that the caption in the above action is changed to read \$888,598.00 in United States Currency.

SIGNED this 13th day of October, 1992.


HONORABLE JUDGE PRESIDING

APPROVED AS TO FORM:

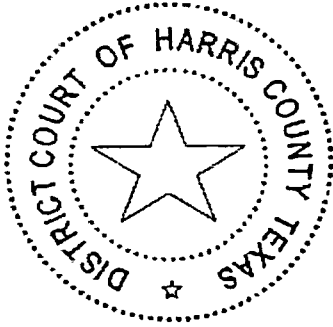
BY:


Brian K. Johnson
Assistant District Attorney
Special Crimes Bureau
201 Fannin, Suite 200
Houston, Texas 77002-1901
(713) 755-5840
TBC # 10685600

RECORDER'S MEMORANDUM
This instrument is of poor quality
and not satisfactory for photographic
recording; and/or alterations were
present at the time of filming

FILED
KATHLEEN TYRA
District Clerk
10-01-92
Harris County, Texas
By [Signature]
Deputy

MUCH INFORMATION IS BEING
WILLING TO BE DISCLOSED AND
DISSEMINATED FOR THE
BETTER UNDERSTANDING OF THE
PUBLIC TO THE FACTS OF THE CASE.



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 1, 2011

Certified Document Number: 33779664 Total Pages: 2

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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5X-2

92-26448

STATEMENT OF PERSON IN CUSTODY

Date June 12, 1992Time 10:42 p.m.Statement of Carla Jeannett Smith taken in Harris County, Texas.Prior to making this statement I have been warned by Detective M.R. Daniel, the person to whom this statement is made, that:

- 1) I have the right to remain silent and not make any statement at all and any statement I make may and probably will be used against me at my trial;
- 2) Any statement I make may be used as evidence against me in court;
- 3) I have the right to have a lawyer present to advise me prior to and during any questioning;
- 4) If I am unable to employ a lawyer, I have the right to have a lawyer appointed to advise me prior to and during any questioning; and
- 5) I have the right to terminate the interview at any time.

Prior to and during the making of this statement I knowingly, intelligently, and voluntarily waive the rights set out above and make the following voluntary statement:

I have been informed that under the Penal Code of the State of Texas, Section 37.02: A person commits the offense of "Perjury" if, with intent to deceive and with knowledge of the statement's meanings; he makes a false statement under oath or swears to the truth of a false statement previously made; and the statement is required or authorized by law to be made under oath.

My full name is Carla Jeannett Smith. I am a black female, 25 years of age, having been born on 2-8-67. I currently reside at 9603 Homestead. I live there alone. My TDL# is 12741322. My SS# is 452-52-7018. My home phone number is 635-7529. I am currently employed at the Swiss Village Apartments, 9603 Homestead, phone 633-8547.

On 5/19/92 I rented an apartment at the Oaks of Woodforest Apartment Complex, apartment #95. I have been in the process of moving but my car had broken down. Since I did not have a ride I have been staying at the Swiss Village Apts. where I work.

The last time I was at the apartment was the first weekend in June 1992.

Officer Daniel asked me to come to the Wallisville Substation and give this statement in reference to a large sum of money that was found in my apartment which I was moving into.

When I left my apartment the first week end in June 1992 there was no safe or large sum of money in my apartment. I do not know who the large sum of money or safe in the apartment belongs to.

FILED

KATHERINE TYRA
District Clerk

Harris County, Texas

By _____ Deputy

Certified Document Number: 33779673 - Page 1 of 2

Statement of Carla Jeannett Smith

page 2 of 2

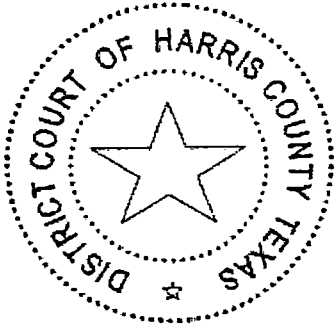
I came to the Wallisville Substation strictly to give my statement in regards to the money which I have no knowledge of.

I can read and write the English Language and I have read this statement which I have made consisting of two pages and I find it to be true and correct to the best of my knowledge. I gave this statement of my own free will.

Carla Jeannett Smith

Subscribed and sworn to before me the undersigned authority on this the 12th day of June A. D. 1992.

Sherri Lyn Hicks, Notary Public in and for Harris County, Texas. My Commission expires 03-08-96.



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office this April 1, 2011

Certified Document Number: 33779673 Total Pages: 2

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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CASE STATUS		UNFOUNDED		CLEARED/ARREST		EXCEPTIONAL/CLEARED		CASE OPEN	
REPORTING DEPUTY		UNIT #		BADGE #		SECOND DEPUTY		UNIT #	
G. MORLEY		457		1102					
OFFENSE AS REPORTED:		SHOOTING INVESTIGATION		7. OFFENSE CHANGED TO:		RECOVERED STOLEN PROPERTY & ARMED PROP.		8. LOCATION OF OFFENSE:	
1. COMPLAINANT (LAST, FIRST, MIDDLE)		STATES OF TEXAS		RACE		SEX		AGE	
2. ADDRESS (NUMBER & STREET)		1301 FRANKLIN AVE. STON		3. HOME TELEPHONE		BUSINESS TELEPHONE		755-7347	
4. BUSINESS ADDRESS/OCCUPATION				5. WEATHER CONDITIONS:		DAYTIME HOURS		12. VEHICLE INVOLVED	
6. OFFENSE AS REPORTED:		SHOOTING INVESTIGATION		7. OFFENSE CHANGED TO:		RECOVERED STOLEN PROPERTY & ARMED PROP.		8. LOCATION OF OFFENSE:	
9. DISTRICT/KEY MAP:		3A/457 W		10. TYPE OF PREMISES:		APT. COMPLEX		11. DAY/DATE/TIME:	
12. VEHICLE INVOLVED		MAKE		MODEL		LIC		LIS	
13. PROPERTY INVOLVED:		SERIAL #		BRAND		MODEL #		OAN#	
14. SYNOPSIS:		U/VEN INVESTIGATING A RECOVERED SHOOTING AT 250		U/VEN #95-I. RECOVERED TWO PISTOLS, ONE OF WHICH WAS		STOLEN, AND A LARGE AMOUNT OF AMERICAN CURRENCY.			

HARRIS COUNTY SHERIFF'S DEPARTMENT

OFFENSE REPORT

CASE NUMBER 92-06120646

HARRIS COUNTY SHERIFF'S DEPARTMENT

SUPPLEMENT REPORT

SE NUMBER 92-06120646

97

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HARRIS COUNTY SHERIFF'S DEPARTMENT
SUPPLEMENT REPORT

CASE NUMBER 92-06120646

COMPLAINANT (LAST, FIRST, MIDDLE) STATE OF TEXAS		LOCATION OF OFFENSE 250 UVALDE #95				DATE 6/12/92
REPORTER/WITNESS (LAST, FIRST, MIDDLE)		RACE	SEX	AGE	DOB	DL#
HOME ADDRESS, NUMBER, STREET, P. O. BOX, CITY, STATE, ZIP						HOME TELEPHONE
BUSINESS ADDRESS, NUMBER, STREET, P. O. BOX, CITY, STATE, ZIP						WORK TELEPHONE
WITNESS (LAST, FIRST, MIDDLE)		RACE	SEX	AGE	DOB	DL#
HOME ADDRESS, NUMBER, STREET, P. O. BOX, CITY, STATE, ZIP						HOME TELEPHONE
WORK ADDRESS, NUMBER, STREET, P. O. BOX, CITY, STATE, ZIP						WORK TELEPHONE
WITNESS (LAST, FIRST, MIDDLE)		RACE	SEX	AGE	DOB	DL#
HOME ADDRESS, NUMBER, STREET, P. O. BOX, CITY, STATE, ZIP						HOME TELEPHONE
WORK ADDRESS, NUMBER, STREET, P. O. BOX, CITY, STATE, ZIP						WORK TELEPHONE
INTRODUCTION/YOUR LOCATION 300 NORMANDY		FROM WHOM DISP	TIME RCVD 849 AM	TIME ARRIVED 855 AM	FIRST OFFICER ON SCENE Worley	
SCENE SUMMARY: THE SCENE WILL BE APT#95, AT THE OAKS OF WOODFOREST APT. COMPLEX, LOCATED AT 250 UVALDE, ON THE WEST SIDE OF THE ROADWAY. APT#95 IS ON THE FIRST FLOOR OF A TWO STORY APT. BUILDING THAT CONTAINS NUMEROUS OTHER APTS. APT#95 FACES NORTH. VISIBILITY EXCELLENT, DUE TO ARTIFICIAL INTERIOR LIGHTING, DURING DAYTIME HOURS.						
INVESTIGATIVE NARRATIVE: ON FRI, 6/12/92, AT 849 AM, I, DEPUTY G. WORLEY, U#4551, WAS ON PATROL IN THE 300 BLK OF NORMANDY, WHEN I WAS ADVISED BY THE DISP. OF A SHOOTING, TWO WOUNDED OR DEAD, AND A LARGE AMOUNT OF DRUG MONEY, AT 250 UVALDE #95, THE OAKS OF WOODFOREST APTS. UPON MY ARRIVAL, AT 855 AM, I FOUND THE FOLLOWING. AS DEPUTY C. WHITNEY, U#4554, DEPUTY M. SMITH, U#4557, AND I						
HOSPITAL	AMBULANCE/NO. OF ATTENDANTS		DOCTOR		INJURIES	H. E.
EVIDENCE/PROPERTY RCVD YES NO	PROPERTY ROOM YES NO	TAG #	CRIME LAB YES NO	PHOTOS YES NO	OTHER	

HARVARD COUNTY SHERIFF'S DEPARTMENT
SUPPLEMENT REPORT

CASE NUMBER 92-06120646

APPROACHED THE APT. WE OBSERVED THREE BULLET HOLES, ABOUT HEAD LEVEL, IN A BEDROOM WINDOW, ADJACENT TO THE FRONT DOOR. I ALSO OBSERVED A BULLET HOLE IN THE FRONT DOOR, APPROX. AT EYE LEVEL.

REALIZING THE DISTINCT POSSIBILITY THAT THERE WERE WOUNDED OR DEAD IN THE APT., I KNOCKED ON THE FRONT DOOR, AND PUSHED. THE DOOR, WHICH WAS NOT LOCKED, OPENED. I YELLED, "SHERIFF", AND ENTERED, ALONG WITH DEPUTIES WHITSEY AND SMITH. AS OUR EYES ADJUSTED TO THE LIGHT DIFFERENCE, WE HEARD A VOICE SAY "I'M IN HERE, DON'T SHOOT". THE VOICE CAME FROM A B/M, WHO IDENTIFIED HIMSELF AS HOYLE MINDENHALL, WHO WAS GETTING OUT OF A BED IN THE MASTER BEDROOM. I DIRECTED HIM TO A COUCH IN THE LIVING ROOM, A SECURE PLACE. ALSO IN THE BED, ON THE FAR SIDE, WAS A W/F, IDENTIFIED BY HER TDL AS STACEY LYSACK, 2/26/77. AFTER SECURING HER, AND CLEARING THE APT., FOR OUR SAFETY, DEPUTIES WHITSEY AND SMITH BEGAN TALKING WITH OCCUPANTS. AS THIS WAS TAKING PLACE, I NOTICED TWO PISTOLS ON THE MASTER BEDROOM FLOOR, WITHIN ARMS REACH OF WHERE THE B/M HAD BEEN LYING ON THE BED.

GENTLY RECOVERING THE PISTOLS, I FOUND THAT ONE PISTOL WAS A SIX INCH BLUE STEEL, S/W, .44 MAGNUM, MODEL 29, S# N893047. THE SECOND PISTOL, A TWO INCH BLUE STEEL, S/W, .38 SPECIAL, MODEL 36, S# 85052 WAS LOADED WITH SIX LIVE ROUNDS. THE .44 MAG. HAD FOUR SPENT ROUNDS, AND TWO LIVE. CHECKING THE SERIAL NOS. WITH OUR DESP, I WAS ADVISED THAT THE .38 WAS NOT REPORTED STOLEN. HOWEVER, THE .44 MAG, WAS REPORTED STOLEN UNDER HCSO CASE NUMBER 91-05170385, AND WAS A MURDER WEAPON, THAT HAD NEVER BEEN RECOVERED. I THEN SECURED BOTH GUNS IN MY PATROL CAR.

AS THIS WAS TAKING PLACE, SGT. J. RANKIN, U#455, ARRIVED, AND OBTAINED A VOLUNTARY CONSENT TO SEARCH FROM MR. MINDENHALL. UPON RETURNING TO THE APT., MR. MINDENHALL STATED THAT AT APPROX. 100 AM, 6/12/92, FRI. TWO UNKNOWN B/M'S, WEARING SKI MASKS, HAD PUSHED THEIR WAY IN BEHIND HIS GIRLFRIEND, STACEY LYSACK, AND POINTED UNKNOWN TYPES OF GUNS AT THEM. ACCORDING TO MR. MINDENHALL THE TWO UNKNOWN

REPORTING DEPUTY	UNIT #	BADGE #	SS #	DATE OF REPORT
G. WORLEY	4551	1102	49076	6/12/92

HAI COUNTY SHERIFF'S DEPARTMENT
SUPPLEMENT REPORT

CASE NUMBER 92-06120646

B/M'S DEMANDED MONEY. MR. MINDENHALL STATED THAT HE WAS ABLE TO GET TO THE MASTER BR. AND RETRIEVE THE .44 MAGNUM. AND FIRE FOUR SHOTS, FROM THE BEDROOM, AT THE TWO SUSPECTS. HE THEN ADVISED THAT BOTH SUSPECTS THEN FLED.

AS MR. MINDENHALL WAS RELATING THE STORY TO ME A QUICK SEARCH OF THE APT. WAS TAKING PLACE. THE SEARCH REVEALED A CASHBOX IN A HALLWAY CLOSET THAT WHEN OPENED, CONTAINED A HEAVY WHITE POWDERY RESIDUE. SGT. RANKIN, USING A "C-PAK" TEST KIT, OBTAINED A POSITIVE RESULT FOR COCAINE. WE ALSO FOUND A LOCKED CLOSET DOOR, ADJACENT TO THE BATHROOM. THE DOOR HAD NO KNOB, ONLY A KEY LOCK.

FORCING THE DOOR OPEN, WE FOUND A SAFE, MADE BY STAR, MODEL # UNK, S#J15-51037, STANDING AGAINST A WALL. THE SAFE, APPROX. FOUR FT. TALL, AND APPROX THIRTY INCHES WIDE, WAS THE ONLY ITEM IN THE CLOSET, NO CLOTHING OR PERSONAL ITEMS. REALIZING THAT THE INVESTIGATION WAS TAKING DIFFERENT TURN, WE STOPPED OUR SEARCH, AND AWAITED THE ARRIVAL OF THE NARCOTICS DOGS. AT THIS POINT, DEPUTY SMITH TRANSPORTED BOTH SUBJECTS TO STA. 3, FOR FURTHER INVESTIGATION.

WHILE AWAITING THE ARRIVAL OF THE DOG UNITS, I CHECKED THE PARKING AREA, NORTH OF THE APT. FOR ANY PHYSICAL EVIDENCE. THERE, I FOUND A LARGE CALIBER SLUG, DEFORMED, APPROX. ONE HUNDRED FEET FROM THE APT. DUE TO THE LARGE NUMBER OF BYSTANDERS, BY THIS TIME, I RECOVERED THE SHOT SLUG. AS I WAS LOOKING FOR MORE, I WAS APPROACHED BY A W/F WHO IDENTIFIED HERSELF AS PAULA PITTS, 6/24/64, 250 UVALE #94, P#455-2942, AND A B/F, WHO IDENTIFIED HERSELF AS RAMONA CONNER, 11/7/64, 250 UVALE #90, NO. NONE. THEY BOTH STATED THAT THE B/M FROM APT#95, DID INDEED LIVE THERE, AND WAS KNOWN TO THEM AS "QUIQ". THEY ALSO ADVISED ME THAT A SECOND B/M, KNOWN TO THEM AS "DEREK", ALSO LIVED THERE. THE B/M, "QUIQ" RETRIEVED HIS CLOTHES FROM THE SECOND BEDROOM.

AT APPROX. 1015AM, OFFICER G. DOYLE, HPD, ARRIVED ON THE SCENE WITH HIS DOG. OBSERVING THE DOG WORK, THE DOG REACTED VIOLENTLY (POSITIVE) TO BOTH THE CASHBOX IN THE HALLWAY, AND THE LOCKED SAFE IN THE CLOSET. A SHORT

REPORTING DEPUTY	UNIT #	BADGE #	SS #	DATE OF REPORT
G. WORLEY	4551	1102	49076	6/12/92

HARRIS COUNTY SHERIFF'S DEPARTMENT
SUPPLEMENT REPORT

CASE NUMBER 92-06120646

TIME LATER, OFFICER N. CHALINE, ALSO WITH HPD, ARRIVED WITH HIS DOG. HIS DOG ALSO ALERTED (POSITIVE) TO BOTH THE CASH BOX AND THE SAFE.

DEPUTY SMITH, AT STA. 3 WITH BOTH SUBJECTS, OBTAINED A VOLUNTARY CONSENT TO SEARCH FOR THE SAFE IN THE CLOSET, FROM MR. MINNIN HALL. WE THEN WERE ABLE TO REMOVE THE SAFE, WHICH WAS EXTREMELY HEAVY, FROM THE CLOSET TO THE PATIO AREA, IN ORDER TO OPEN IT. AS WE WORKED TO OPEN THE SAFE, WE TOOK A SHORT BREAK TO REST. WHILE WE STOPPED MOMENTARILY, I OBSERVED A LATE MODEL, MAROON 4-DR. NISSAN, PARKED IN FRONT OF THE APT. OCCUPIED BY ONE B/M. BOTH NETTS AND CONNER BEGAN YELLING "THAT'S HIM, THAT'S DEREK".

OFFICER CHALINE AND I THEN APPROACHED THE B/M, AND ASKED FOR HIS T.O.L. HE ADVISED ME THAT HE DID NOT HAVE A D.L. WITH HIM. AT THIS POINT OFFICER CHALINE AND I SECURED HIM, PENDING FURTHER INVESTIGATION. AT APPROX. 1110 AM, SGT. RANKIN, OFFICERS DOYLE, CHALINE, AND I, SUCCEEDED IN OPENING THE SAFE, AND FOUND A LARGE AMOUNT OF AMERICAN CURRENCY.

SGT. RANKIN THEN NOTIFIED LT. GRIFFIN, HARRIS CO. NARCOTICS AND ADVISED HIM OF THE SITUATION. A SHORT TIME LATER, DET. J. PRUITT, AND R. DANIELS, ARRIVED ON THE SCENE. DET. PRUITT AND I TRANSPORTED THE CASH TO THE OCU OFFICE, WHERE IT WAS THEN TAKEN BY DET. PRUITT AND D.A. INVESTIGATOR JOE VARRA, TO AMERICAN BANK TO BE COUNTED. DEPUTY WHITSEY TRANSPORTED THE SECOND B/M, DEREK THOMAS, TO STA. 3 WHERE THEY WERE LATER INTERVIEWED BY NARCOTICS DETS. THE TWO PISTOLS WERE RELEASED TO HOMICIDE DET. TAWNRY, I# 3104, AT APPROX. 3 PM, FRI, 6/12/92. I.D. UNIT # 7108 PROCESSED THE SCENE. SEE I.D. SUPPLEMENT, BY DEPUTY R. SHIELDS. THE LOCKING CASH BOX WAS RELEASED TO LT. N. GRIFFIN, AND WILL BE SUBMITTED TO M.E.'S OFFICE FOR FURTHER ANALYSIS. A GREEN ZIP-UP BAG, WHICH HAD CONTAINED CURRENCY, INSIDE THE SAFE, WAS SUBMITTED TO THE PROPERTY ROOM FOR STORAGE. SUBJECTS RELEASED TO OCU DETECTIVES. THE MICRO-CASSETTE TAPE FROM THE ANSWERING MACHINE WAS ALSO PLACED IN THE PROPERTY ROOM FOR SAFE-KEEPING.

REPORTING DEPUTY G. WORLEY	UNIT # 4551	BADGE # 1102	SS # 49076	DATE OF REPORT 6/12/92
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450 - 5509

WRECKER UP

B 09110

CASE # 92-06120646 DATE 6/12/92 TIME 4:21 PM
 COLOR(S) Red YEAR 91 MAKE ALFA ROMEO BODY STYLE 4DR
 LICENSE 12/92 TX CWH-706 VIN JN1HJ01P8LT446575
MO YEAR STATE NUMBER
 REASON FOR REMOVING CAR: PRISONERS VEH
 NAME OF DRIVER: DERREK THOMAS
 LOCATION FROM WHICH VEHICLE TAKEN: 250 WALDE
 WRECKER SERVICE: DISPAGNE CHIP # 283
 STORAGE ADDRESS: 2000 HWY 90
 PHONE: 328-8346

INVENTORY OF VEHICLE CONTENTS

MISSING PARTS

1-STATS SAFE
Serial # JIS-S1037

INDICATE DAMAGE TO VEHICLE: Front End Damage,
Minor Body Damage

HOLD: SEIZURE ☐ OTHER: ☐SIGNATURE OF WRECKER DRIVER James L. TaylorDEPUTY Ch. WhitseyBADGE # 1183UNIT # 4554

WRECKER IP

B 09109

CASE # 92-06120646 DATE 6/2/92 TIME 1:25 pm
 COLOR(S) BLK YEAR 91 MAKE NISSAN BODY STYLE 2DR
 LICENSE 12/92 TX DCK-59R VIN JN1MS34P7M4002791
MO YEAR STATE NUMBER
 REASON FOR REMOVING CAR: Prisoner's Vehicle
 NAME OF DRIVER: _____

LOCATION FROM WHICH VEHICLE TAKEN: 250 UVALDE
 WRECKER SERVICE: DISPAYNE CHIP # 257
 STORAGE ADDRESS: 2000 Hwy 80
 PHONE: 328-8346

INVENTORY OF VEHICLE CONTENTS

1-BLK-FOURTE Blouse
1-Flower Blouse
1-BLK/white Dress
1-COIN Purse

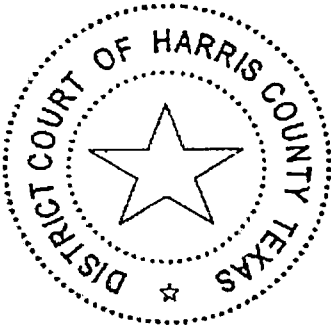
MISSING PARTS

INDICATE DAMAGE TO VEHICLE: Left Front Damage, Left
FLAT tire, Left BACK Dent

HOLD: SEIZURE ☐ OTHER: _____

SIGNATURE OF WRECKER DRIVER James L. Payne (INDICATE REASON)
 DEPUTY C. M. Whaley BADGE # 1183 UNIT # 4554

Pat Smith
 D.A.A.
 OFC.



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 1, 2011

Certified Document Number: 33779666 Total Pages: 7

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

NO. 92-26448

THE STATE OF TEXAS

\$

IN THE DISTRICT COURT

VS.

\$

OF HARRIS COUNTY, TEXAS

\$888,598.00 IN UNITED
STATES CURRENCY

\$

234TH JUDICIAL DISTRICT

FINAL JUDGMENT OF FORFEITURE

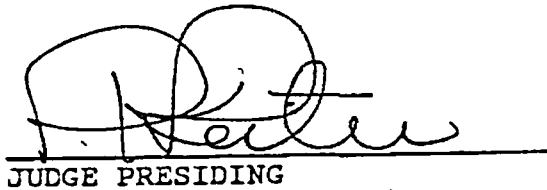
BE IT REMEMBERED that on this the 17th day of November 1992, came on to be considered the above styled and numbered cause filed heretofore on June 12, 1992. The State of Texas appeared by and through her Assistant District Attorney Brian K. Johnson. Respondents, Kobie Mendenhall and Derek Thomas were served and, after due notice to the Respondents herein, it now appears that no answer or appearance has been filed by Kobie Mendenhall and Derek Thomas claiming an interest in the property which is the subject of this forfeiture. Respondent, Carla J. Smith appeared by and through her attorney of record Chris Flood. An agreement has been reached between Plaintiff and Respondent Smith whereby \$8,000.00 is not subject to forfeiture. The Court has jurisdiction of the subject matter and parties, and Final Judgment should be granted for the State of Texas and against the remaining \$880,598.00 in United States Currency and Kobie Mendenhall and Derek Thomas. It is therefore:

ORDERED, ADJUDGED, and DECREED that the \$8,000.00 in United States currency is not subject to forfeiture and is subject to return to Carla J. Smith.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the rest and remainder, being \$880,598.00 in United States Currency is

forfeited: seventy percent (70%) to the Harris County Sheriff's Department; twenty-seven percent (27%) to the Harris County District Attorney's Office, Special Crimes Bureau, into Harris County Treasurer's Fund number 5922, titled "Seized Property Fund D.A."; and that three percent (3%) to the Harris County Treasury Fund number 5940, titled "Drug Abuse Prevention/Treatment Fund"; all to be administered by both agencies and Harris County in compliance with their local agreement, the Code of Criminal Procedure, Article 59.06(c), and audited in accordance with Article 59.06(g). Costs of court are charged against the party incurring same. All relief not granted is denied.

SIGNED this the 24th day of November, 1992.



JUDGE PRESIDING

V7055 P0690

APPROVED AS TO FORM:

BY:

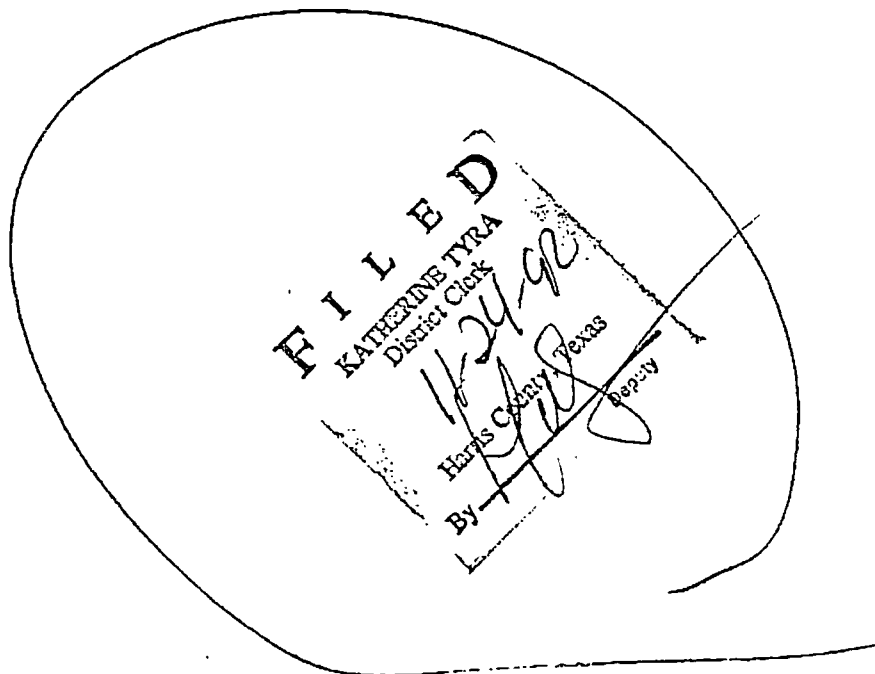
Brian Johnson
Brian K. Johnson
Assistant District Attorney
201 Fannin, Suite 200
Houston, Texas 77002-1901
(713) 755-5840
Bar Card #10685600
ATTORNEY FOR PLAINTIFF

BY:

Brian Johnson for Chris Flood, by permission
Chris Flood
DeGuerin & Dickson
1018 Preston, 7th Floor
Houston, Texas 77005
(713) 223-5959
Bar Card # 07155700
ATTORNEY FOR RESPONDENT SMITH

RECORDER'S MEMORANDUM
This instrument is of poor quality
and not satisfactory for photographic
recording; and/or alterations were
present at the time of filming

[Faint, illegible handwritten text]



P-1
4X @CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that a true and correct copy of the above and foregoing motion for a new trial has been furnished to the Assistant District Attorney assigned to this case on this 11th day of November, 1992.

Leroy Peavy
LEROY PEAVY

92-18768 The State of TEXAS vs- 3,765⁰⁰
157th

ORDER

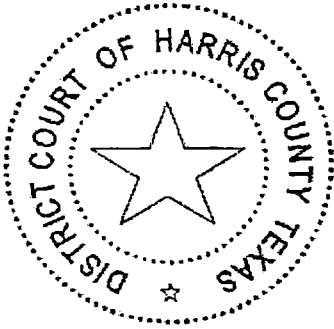
Be it Remembered that on this the 24th day of November, 1992 ~~the~~ the Court heard the Motion of Respondent, George Washington Sr. for ~~an Order~~ ~~Order~~ a New Trial. ~~The Court examined the Respondent's Motion~~ The parties informed the Court that an agreement had been reached regarding the Motion for New Trial. The Court is of the opinion ^{therefore} that the Motion should be granted. It is therefore:
Ordered, Adjudged and Decreed that the Motion for New Trial ~~is~~ is hereby granted.

Signed on this November 24, 1992.

RECORDER'S MEMORANDUM
This instrument is of poor quality
and not satisfactory for photographic
recording; and/or alterations were
present at the time of filming

[Signature]
JUDGE Presiding

V7055 P0692

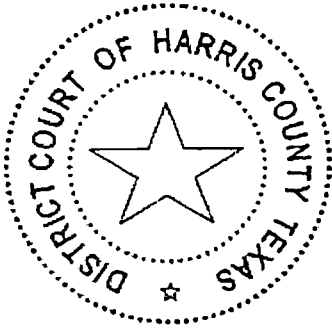


I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 1, 2011

Certified Document Number: 33779663 Total Pages: 5

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 1, 2011

Certified Document Number: 33779689 Total Pages: 4

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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SEIZURE AND FOREITURE COURT

301 SAN JACINTO, ROOM 829
HOUSTON, TEXAS 77002
TELEPHONE (713) 755-6730

PI

JUNE 30, 1992

TO : FLOOD, CHRISTOPHER M.
1018 PRESTON 7TH FL
HOUSTON , TX 77002

07155700

DOCKET CONTROL ORDER

1. N/A NEW PARTIES shall be joined and served by this date. The party causing such joinder will provide copies of this order to the new parties.
2. N/A EXPERTS for all plaintiffs shall be designated by this date. Experts for all other parties shall be designated 30 days after this date. No additional experts will be permitted to testify except for good cause shown.
3. 8/14/92 DISCOVERY shall be completed by this date. Counsel may by agreement continue discovery beyond this deadline; such continued discovery, however will not delay the trial date
4. N/A AMENDMENTS to pleadings shall be filed by this date.
5. N/A JOINT PRE-TRIAL ORDER shall be filed by this date in the form enclosed with the notice of this order.
6. 9/14/92 PRE-TRIAL CONFERENCE will be held. Trial counsel are
9:00 am ordered to attend and be prepared to discuss all aspects of the suit and trial.
7. 9/14/92 TRIAL IS SET FOR THIS DATE. If the case is not assigned to trial by the second Friday after this date, the trial date will be reset.

NOTE: If no date is shown, time limits are governed by the applicable Texas Rules of Civil Procedure.

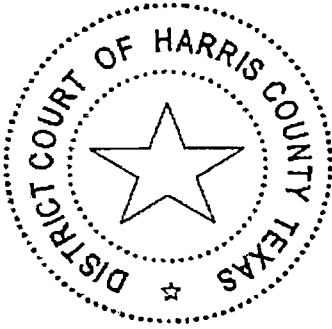
SIGNED THIS THE 20th DAY OF July 1992.

SEIZURE & FORFEITURE COURT

[Signature]

CASE - 9226448 FILED - 061292 COURT - 777
TYPE - SEIZURE & FORFEITURE
STATE OF TEXAS

VS \$1,000,000.00



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 1, 2011

Certified Document Number: 33779661 Total Pages: 1

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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TO: Drug Court
Order 92-26448 234/Drug Ct.
 Document Type Case No. Court

The attached document needs (see below) prior to processing:

- ☐ Signature
- ☐ Filemark
- ☐ Case Number - Missing/Correction
- ☐ Court - Missing/Correction
- ☐ Page Count
- ☐ Verify Date

☒ OTHER: BS invalid activity code

7-13-92 C. Mathley 8314
 Date Deputy Signature Ext.

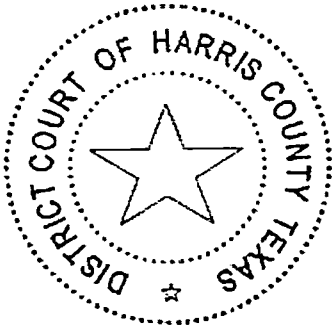
RETURN FOR PROCESSING WITHIN 2 DAYS

Returned to micrographics on: 7-22-92

- ☒ Corrected as above
- ☐ Can not be corrected per request.

Comments: _____

7-22-92 Venus Collins 6730
 Date Deputy Signature Ext.



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 1, 2011

Certified Document Number: 33779691 Total Pages: 1

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

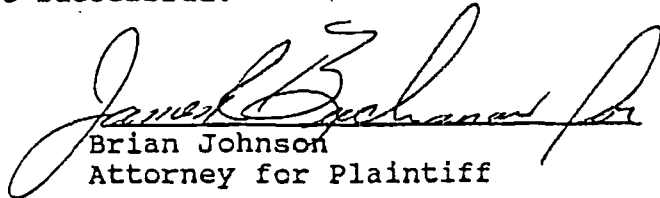


NO. 92-26448

THE STATE OF TEXAS	§	IN THE DISTRICT COURT
VS.	§	OF HARRIS COUNTY, TEXAS
APPROXIMATELY \$1,000,000.00 IN UNITED STATE CURRENCY	§	234TH JUDICIAL DISTRICT

CERTIFICATE OF CONFERENCE

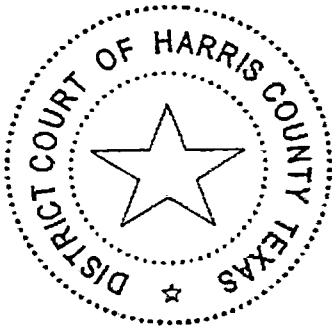
In accordance with Tex. R. Civ. P. 166b(7), and Local Rule 3.3.5, Plaintiff certifies that efforts were made to resolve this appeal dispute, without the necessity of court intervention, by contacting opposing counsel, Chris Flood, on September 22 1992, however, those efforts were not successful.


Brian Johnson
Attorney for Plaintiff

103

[Handwritten signature]

FILED
KATHERINE TYRA
District Clerk
07-23-12
Harris County, Texas
By *[Signature]* Deputy



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 1, 2011

Certified Document Number: 33779682 Total Pages: 2

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com